

REMARKS

The present Amendment is in response to the Office Communication dated November 10, 2005 in reference to the above-identified application. The Examiner has set a shortened statutory period for response to this action to expire one (1) month from the mailing date of the communication thereby making this response due December 10, 2005 (a Saturday) such that the response is now due December 12, 2005.

In that communication the Examiner noted that the Applicant's reply filed August 31, 2005 was not responsive to the objection of claim 5 (now claim 22) because it omitted a correction to change "stop portion" to "stop member." The Examiner also requires clarification of the TRANSMITTAL OF SECOND SUPPLIMENTAL INFORMATION DISCLOSURE filed on May 26, 2005.

In response to the Office Communication Applicant has amended claim 22 to replace "stop portion" with "stop member" as suggested.

Regarding the TRANSMITTAL, the Applicant has enclosed a form PTO/SB/08A and duplicate copies of Fig. 1 and Fig. 2, as submitted in the TRANSMITTAL of May 26, 2005, now labeled as Exhibit 1 and Exhibit 2 respectively. Repeated below are the comments included in the original TRANSMITTAL regarding the exhibits.

Master Lock alleges to Applicant that:

- (1) This Armored Trailer Hitch Lock is sold under the item number 37DAT;
- (2) A photograph, attached hereto as Exhibit 1, depicts this lock (the labeling on Figure 1 is not applicant's labeling but rather is Master Lock's interpretation);

- (3) A photocopy, attached hereto as Exhibit 2 is the packaging insert card used with this lock as of the year 2000 (see copyright notice);
- (4) The lock has been sold at least as early as 1995.

Applicant has no independent knowledge of these matters. However, this application is a division of U.S. Patent No. 6, 672,115 filed April 24, 2000. The packaging insert card does not indicate when in the year 2000 it was used. Even assuming *arguendo* that it was used as of January 1, 2000, the packaging insert card does not appear to be applicable under 35 U.S.C. § 102(b) or under 35 U.S.C. § 103. Applicant is without independent knowledge as to the dates of sale of the actual lock, if any such sales occurred.

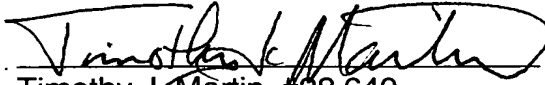
The identification of this product is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. §1.56 and is not intended to be an admission that this padlock constitutes prior art as to the invention disclosed and claimed in the subject application.

Applicant requests that the Examiner please initial the attached form PTO/SB/08B where indicated and return a copy of the initialed document to the undersigned as an indication that the listed reference has been considered and made of record.

Based on the foregoing, Applicant submits that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached **AMENDMENT (9 pages)**, **FORM PTO/SB/08B (1 page)** and **REFERENCES** is being deposited with the United States Postal service for delivery in an envelope addressed to Commissioner for Patents Mail Stop Non Fee Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of December, 2005.



Marcie F. King